

Advisory Opinions on Consent Agenda - August 2021

Item #	Docket #	Caption	Analysis	Recommendation
G10	2021-260	Request for an advisory opinion from Dr. Shelta Richardson, St. Tammany Parish School Board, relative to whether she commits malfeasance if she is not allowed to inquire into background checks of employees of St. Tammany Parish Schools.	The request by Dr. Richardson does not raise an issue within the jurisdiction of the Code of Governmental Ethics.	Decline to render an opinion, however refer Dr. Richardson to the Attorney General's Office
G11	2021-351	Advisory Opinion request from Rachel Bertrand regarding participation by a drainage district board member.	The request provides insufficient information to issue an opinion. Ms. Bertrand has not responded to the requests for additional information. Based on this, the Board should not issue an advisory opinion without specifics.	Decline to render an advisory opinion.

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G12	2021-364	A Request for an Advisory Opinion, submitted by Michael E. Parks - Attorney for the Pointe Coupee Fire Protection District No. 3, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit a variety of scenarios.	1.The District's part-time fire chief is engaged to be married to a "work as needed" contract firefighter for the District. No ethics issues since a fiance is not an immediate family member. 2. The Code does not prohibit the fire chief from promoting his fiance. 3. An assistant chief has a brother who has been a contract firefighter for the District for over 2 years. The Code does not prohibit the assistant from supervising his brother, since he is not the agency head. However, the assistant chief should avoid a potential violation of La. R.S. 42:1112(B)(1). 4. and 5. deal with issues involving public purchases and are not ethics issues. 6. The Code prohibits a volunteer firefighter from placing his electrically operated vending machine in a building belonging to the Fire District. 7. Who pays for the electricity is irrelevant. 8. It would also be an issue if a board member owned the vending machine. 9. The Code does not prohibit a board member from attending dive team training at the expense of the Fire District. 10. A firefighter cannot use the fire district's equipment while on a personal trip. 11. The Code does not prohibit the District from purchasing a flag pole to dedicate to public employees of the fire district.	Adopt the proposed advisory opinion.

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G13	2021-409	Office of Conservation Commissioner Richard P. leyoub originally requested the approval of a disqualification plan, however he has submitted a request to withdraw the approval as the matter has been resolved.	The matter is moot. Allow Commissioner leyoub to withdraw his request.	Allow Commissioner leyoub to withdraw his request.
G14	2021-410	Request for an advisory opinion from Corey Oubre, Director of Legal Services for St. Charles Parish, relative to St. Charles Parish entering into a cooperative endeavor agreement with P.A.C.E., a non-profit corporation of which St. Charles Parish President, Matthew Jewell is an officer.	It appears that this matter involves past conduct.	Decline to render an opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G15	2021-411	A Request for an Advisory Opinion, submitted by Dr. Amy Henke, Psy.D., regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit the continued service (on a volunteer basis) of members of the Louisiana State Board of Examiners of Psychologists "Board" after their terms expire.	<p>Based on the facts presented, the Code dictates the following answers to Dr. Henke's questions: 1.Can a former Board member donate his/her services to the board by volunteering for a Board committee or work group within a period of 2 years following his/her public service? Yes, because the former Board member will not be appointed to any position by the Board. Additionally, La. R.S. 42:1123(30) allows former Board members to donate their services.</p> <p>2.Can a former Board member receive travel expenses and other reimbursements within a period of 2 years following the termination of his/her public service? Yes. The Code allows former Board members to be reimbursed for any travel and other expenses incurred while volunteering their services to the Board. 3. Can a former Board member receive a per diem under existing statutory authority, state travel guidelines or policy in the same manner as current Board members within a period of two years following the termination of his/ her public service? Yes. See the response to Question No. 2.</p>	Adopt the proposed advisory opinion.

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G16	2021-475	A Request for an Advisory Opinion, submitted by Haley M. Delery, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit her from providing landscape architectural services to ILSI Engineering while employed by the City of New Orleans Capital Projects Administration.	Based on the facts presented, the Code does not prohibit Ms. Delery, who is a senior city planner with the New Orleans City Planning Commission, from providing outside landscape architectural services to ILSI Engineering while remaining employed by the Commission. La. R.S. 42:1111(C)(1)(a) prohibits a public servant from receiving any thing of economic value from a nonpublic source for any service that is "devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated." The services she would be providing to ILSI Engineering are not devoted substantially to the responsibilities, programs, and operations of the Commission. Additionally, La. R.S. 42:1111(C)(2)(d) would not prohibit her outside employment because ILSI Engineering does not have a contractual, business, or other financial relationship with her agency and, thus, is not a prohibited source.	Adopt the proposed advisory opinion.
G17	2021-476	Advisory opinion request from Revathi Hines, professor at Southern University, as to whether she may seek part-time employment at Louisiana State University.	Ms. Hines will not be receiving a thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of Southern University and in which she has participated. This does appear to be a potential dual-employment issue.	Adopt proposed advisory opinion. Advise Ms. Hines to seek advice from the AG.

Item #	Docket #	Caption	Analysis	Recommendation
G18	2021-477	Advisory Opinion request from William E. Weatherford, Secretary Treasurer for the Sabine Parish Police Jury, regarding Police Juror Jeffrey Davidson donating rocks and gravel for maintenance of Parish roads.	Generally, Section 1113A prohibits Jeffrey Davidson from entering into transactions that are under the supervision or jurisdiction of the Sabine Parish Police Jury, while he serves as an elected member. However, Section 1123(30) provides an exception which will allow Mr. Davidson to donate rock and gravel, as well as his personal services in spreading the materials, for the maintenance of Parish roads in District 5.	Adopt the proposed advisory opinion.
G19	2021-478	Request for an advisory opinion from Dr. Cathy S. Banks, Board Chairman of the Thrive Community and Development Board in Calcasieu Parish (pop. 192,768) that has applied for charter school approval relative to whether she can lease property to the school once the charter is approved.	Once the charter school is approved, Dr. Banks and her husband would be prohibited under Section 1113B from entering into or being in any way interested in a contract to lease property to the Thrive Community Enrichment and Development Corporation. Further, Dr. Banks, as a board member of the Thrive Community Enrichment and Development Corporation, would be prohibited from participating in entering into a lease with the corporation under Section 1112A and 1112B(1) since she and her husband own the property to be leased.	Adopt the proposed advisory opinion draft.
G20	2021-479	Advisory Opinion request from Lionell Lawson, Director of the Sewer Department for the City of Zachary, regarding the City hiring his son in the Gas and Water Department.	Section 1119A does not prohibit Lionell Lawson's son, Jeffry Demond Lawson, from being employed by the City of Zachary in the Gas & Water Utilities Department, since Mr. Lawson is not an agency head over the Gas & Water Utilities Department.	Adopt the proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G21	2021-480	A Request for an Advisory Opinion, submitted by Warren A. Perrin, regarding whether the Louisiana Code of Governmental Ethics would prohibit the Acadian Heritage & Culture Foundation, Inc. ("Foundation"), a non-profit organization of which he is the Founder, Director, President, Vice-President, and Secretary/Treasurer, from accepting a \$10,000.00 grant from the Council for the Development of French in Louisiana ("CODOFIL").	Based on the facts presented, the Code would not prohibit the Foundation from entering into the Grant Agreement with DCRT while Mr. Perrin serves as a CODOFIL Board member. First, the Grant Agreement would not constitute a violation of La. R.S. 42:1111(C)(2)(d), because neither Mr. Perrin nor the Foundation are rendering any service in exchange for the DCRT Grant. The Foundation's acceptance of the DCRT Grant would not constitute a violation of La. R.S. 42:1111(E) because neither Mr. Perrin nor the Foundation is assisting any person in a transaction with CODOFIL. Mr. Perrin had no involvement with the decision to award the Foundation the DCRT Grant and did not participate in the Grant award consideration or decision in any manner. Lastly, the Foundation would be a party to the Grant Agreement with DCRT. Even if the Grant Agreement were with CODOFIL, Mr. Perrin does not have a substantial economic interest in the Foundation as he does not receive a salary or any other compensation from the Foundation. Therefore, the Foundation's acceptance of the DCRT Grant would not constitute a violation of La. R.S. 42:1113(B).	Adopt the proposed advisory opinion.

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G22	2021-481	Advisory opinion request from Jack Skaggs, former member of Bossier Parish Police Jury, relating to whether a non-profit entity of which he is an officer, may contract with the Parish of Bossier.	In general, Mr. Skaggs would be prohibited from receiving a thing of economic value for assisting CDC in any transaction or in any appearance in connection with a transaction involving his former agency, Bossier Parish. Since Mr. Skaggs is not assisting CDC with the grant application nor any delivery of services resulting from the grant application or award of the grant, he will not receive any thing of economic value, either directly or indirectly, from this transaction.	Adopt proposed advisory opinion.
G23	2021-483	Advisory Opinion request from St. John Parish Library Director Andrea Tullos regarding whether the Code of Governmental Ethics would prevent the St. John Parish Council from appointing Peyton Falgoust to serve on the St. John the Baptist Parish Library Board of Control ("Library Board").	Based on the facts presented, Section 1111C(2)(d) would prohibit Peyton Falgoust, while serving as a member of the Library Board, from receiving compensation from Riverlands, since Riverlands has a contractual or business relationship with the Library Board.	Adopt draft advisory opinion.
G24	2021-484	Request for an advisory opinion and disqualification plan from Sanettria "Sam" Pleasant, Attorney for the Louisiana Department of Transportation and Development relative to the employment of brothers, Joe Siggers and Ronnie Anderson.	Since Mr. Siggers is not an agency head, the hiring of his brother, Ronnie Anderson, would not be prohibited. In addition, the disqualification plan submitted is compliant with R.S. 42:1112C and the Rules of the Louisiana Board of Ethics.	Adopt the proposed advisory opinion draft and approve the disqualification plan.

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G25	2021-485	Advisory Opinion request from Peter G. Bowen, Deputy CAO for the Office of Business and External Services with the City of New Orleans, regarding his ownership of stock in Sonder USA, Inc.	<p>Ownership of Stock: Since Mr. Bowen's ownership of Sonder stock occurred prior to his employment with the City, and was for services rendered to Sonder prior to his employment with the City, Mr. Bowen's continued ownership of the stock presents no issues under Section 1111C(2)(d). However, Mr. Bowen should be cautioned that in the event he is able to dispose of his stocks at a future date, La. R.S. 42:1114 will require him to disclose any income received from the sale of the stock.</p> <p>Prohibited Participation: Section 1112 prohibits Mr. Bowen from participating in any transaction involving the City in which Sonder has a substantial economic interest, while he has a substantial economic interest in Sonder through his stock ownership.</p> <p>Disqualification Plan: The proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code Rules of the Board of Ethics to prevent a potential violation of Section 1112.</p>	Adopt the proposed advisory opinion.
G26	2021-585	Advisory opinion request regarding whether Rebecca Sanders, a certified teacher for the Calcasieu Parish School Board, may be promoted to an administrative position while her father, Alvin Smith, serves as a member of the school board.	Although Ms. Sanders has not been employed for more than one year prior to her father becoming a member of the school board, La. R.S. 42:1119B(v) provides an exception that allows an immediate family member of a school board member or superintendent who is employed as a certified teacher to be promoted to an administrative position as long as the immediate family possesses the appropriate qualifications and certifications for the position. The provision does not contain any time frame of employment that must be met before the immediate family can be promoted or contain a limitation that the position not be in the district represented by the school board member.	Adopt proposed advisory opinion.